

House File 214 - Introduced

HOUSE FILE 214

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A BILL FOR

1 An Act relating to civil protective orders and dating abuse,
2 creating the criminal offense of dating abuse assault,
3 making related modifications, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 9E.1, Code 2019, is amended to read as
2 follows:

3 **9E.1 Purpose.**

4 The general assembly finds that individuals attempting to
5 escape from actual or threatened domestic abuse, domestic
6 abuse assault, dating abuse, dating abuse assault, sexual
7 abuse, stalking, or human trafficking frequently establish new
8 addresses in order to prevent their assailants or probable
9 assailants from finding them. The purpose of [this chapter](#) is
10 to enable state and local agencies to respond to requests for
11 data without disclosing the location of a victim of domestic
12 abuse, domestic abuse assault, dating abuse, dating abuse
13 assault, sexual abuse, stalking, or human trafficking; to
14 enable interagency cooperation with the secretary of state
15 in providing address confidentiality for victims of domestic
16 abuse, domestic abuse assault, dating abuse, dating abuse
17 assault, sexual abuse, stalking, or human trafficking; and to
18 enable program participants to use an address designated by
19 the secretary of state as a substitute mailing address for
20 the purposes specified in [this chapter](#). In addition, the
21 purpose of [this chapter](#) is to prevent such victims from being
22 physically located through a public records search.

23 Sec. 2. Section 9E.2, Code 2019, is amended by adding the
24 following new subsections:

25 NEW SUBSECTION. 2A. "*Dating abuse*" means the same as
26 defined in section 236B.2.

27 NEW SUBSECTION. 2B. "*Dating abuse assault*" means the same
28 as defined in section 236B.2.

29 Sec. 3. Section 9E.2, subsection 6, paragraph a,
30 subparagraph (3), Code 2019, is amended to read as follows:

31 (3) A victim of domestic abuse, domestic abuse assault,
32 dating abuse, dating abuse assault, sexual abuse, stalking,
33 or human trafficking as evidenced by the filing of a petition
34 pursuant to [section 236.3](#) or [236B.3](#) or a criminal complaint
35 or information pursuant to [section 708.2A](#), [708.2D](#), [708.11](#), or

1 710A.2, or any violation contained in [chapter 709](#).

2 Sec. 4. Section 9E.3, subsection 1, paragraph b,
3 subparagraph (1), subparagraph division (a), Code 2019, is
4 amended to read as follows:

5 (a) The eligible person listed on the application is a
6 victim of domestic abuse, domestic abuse assault, dating
7 abuse, dating abuse assault, sexual abuse, stalking, or human
8 trafficking.

9 Sec. 5. Section 9E.3, subsection 1, paragraph e, Code 2019,
10 is amended to read as follows:

11 e. The residential address of the eligible person,
12 disclosure of which could lead to an increased risk of domestic
13 abuse, domestic abuse assault, dating abuse, dating abuse
14 assault, sexual abuse, stalking, or human trafficking.

15 Sec. 6. Section 13.2, subsection 1, paragraph m, Code 2019,
16 is amended to read as follows:

17 m. Develop written procedures and policies to be followed
18 by prosecuting attorneys in the prosecution of domestic abuse
19 cases and dating abuse cases under [chapters 236](#), 236B, and [708](#).

20 Sec. 7. Section 13.31, subsection 3, Code 2019, is amended
21 to read as follows:

22 3. Administer the domestic abuse program provided in
23 [chapter 236](#), ~~and~~ the sexual abuse program provided in chapter
24 [236A](#), and the dating abuse program provided in chapter 236B.

25 Sec. 8. Section 80B.11, subsection 1, paragraphs a and b,
26 Code 2019, are amended to read as follows:

27 a. Minimum entrance requirements, course of study,
28 attendance requirements, and equipment and facilities required
29 at approved law enforcement training schools. Minimum age
30 requirements for entrance to approved law enforcement training
31 schools shall be eighteen years of age. Minimum course of
32 study requirements shall include a separate domestic abuse and
33 dating abuse curriculum, which may include but is not limited
34 to outside speakers from domestic abuse and dating abuse
35 shelters and crime victim assistance organizations. Minimum

1 course of study requirements shall also include a sexual
2 assault curriculum.

3 **b.** Minimum basic training requirements law enforcement
4 officers employed after July 1, 1968, must complete in order
5 to remain eligible for continued employment and the time
6 within which such basic training must be completed. Minimum
7 requirements shall mandate training devoted to the topic of
8 domestic abuse, dating abuse, and sexual assault. The council
9 shall submit an annual report to the general assembly by
10 January 15 of each year relating to the continuing education
11 requirements devoted to the topic of domestic abuse and dating
12 abuse, including the number of hours required, the substance of
13 the classes offered, and other related matters.

14 Sec. 9. Section 80F.1, subsection 5, Code 2019, is amended
15 to read as follows:

16 5. An officer who is the subject of a complaint, shall
17 at a minimum, be provided a written summary of the complaint
18 prior to an interview. If a collective bargaining agreement
19 applies, the complaint or written summary shall be provided
20 pursuant to the procedures established under the collective
21 bargaining agreement. If the complaint alleges domestic abuse,
22 dating abuse, sexual abuse, dating abuse assault, or sexual
23 harassment, an officer shall not receive more than a written
24 summary of the complaint.

25 Sec. 10. Section 232.8, subsection 1, paragraph d,
26 subparagraph (1), Code 2019, is amended to read as follows:

27 (1) The juvenile court shall abide by the provisions of
28 sections 236.4, 236.6, 236A.6, and 236A.8, 236B.6, and 236B.8
29 in holding hearings and making a disposition.

30 Sec. 11. Section 232.22, subsection 1, paragraph g, Code
31 2019, is amended to read as follows:

32 **g.** There is probable cause to believe that the child has
33 committed a delinquent act which would be domestic abuse under
34 chapter 236, sexual abuse under chapter 236A, dating abuse
35 under chapter 236B, or a domestic abuse assault under section

1 708.2A if committed by an adult.

2 Sec. 12. Section 232.52, subsection 2, paragraph h, Code
3 2019, is amended to read as follows:

4 *h.* In the case of a child adjudicated delinquent for an act
5 which would be a violation of [chapter 236](#) or [236B](#) or section
6 708.2A or [708.2D](#) if committed by an adult, an order requiring
7 the child to attend a batterers' treatment program under
8 section 708.2B.

9 Sec. 13. Section 235D.1, Code 2019, is amended to read as
10 follows:

11 **235D.1 Criminal history check — applicants at domestic**
12 **abuse, dating abuse, or sexual assault centers.**

13 An applicant for employment at a domestic abuse, dating
14 abuse, or sexual assault center shall be subject to a
15 national criminal history check through the federal bureau of
16 investigation. The domestic abuse, dating abuse, or sexual
17 assault center shall request the criminal history check and
18 shall provide the applicant's fingerprints to the department
19 of public safety for submission through the state criminal
20 history repository to the federal bureau of investigation.
21 The applicant shall authorize release of the results of the
22 criminal history check to the domestic abuse, dating abuse,
23 or sexual assault center. The applicant shall pay the actual
24 cost of the fingerprinting and criminal history check, if
25 any. Unless the criminal history check was completed within
26 the ninety calendar days prior to the date the application is
27 received by the domestic abuse, dating abuse, or sexual assault
28 center, the center shall reject and return the application
29 to the applicant. The results of a criminal history check
30 conducted pursuant to this subsection shall not be considered a
31 public record under [chapter 22](#). For purposes of [this section](#),
32 "domestic abuse, dating abuse, or sexual assault center" means a
33 crime victim center as defined in [section 915.20A](#).

34 Sec. 14. NEW SECTION. **236B.1 Short title.**

35 This chapter may be cited as the "*Dating Abuse Act*".

1 Sec. 15. NEW SECTION. **236B.2 Definitions.**

2 For purposes of this chapter, unless a different meaning is
3 clearly indicated by the context:

4 1. "*Dating abuse*" means committing assault as defined in
5 section 708.1 under any of the following circumstances:

6 a. The assault is between persons who are in a dating
7 relationship or have been in a dating relationship and have had
8 contact within the past year of the assault. In determining
9 whether persons are or have been in a dating relationship, the
10 court may consider the following nonexclusive list of factors:

11 (1) The duration of the dating relationship.

12 (2) The frequency of interaction.

13 (3) Whether the dating relationship has been terminated.

14 (4) The nature of the dating relationship, characterized by
15 either party's expectation of sexual, romantic, or affectional
16 involvement.

17 b. A person may be involved in a dating relationship with
18 more than one person at a time.

19 2. "*Dating relationship*" means a significant romantic
20 or affectional relationship that need not include sexual
21 involvement. A dating relationship does not include casual
22 social relationships or associations in a business or
23 professional capacity.

24 3. "*Department*" means the department of justice.

25 4. "*Emergency shelter services*" include but are not limited
26 to secure crisis shelters or housing for victims of dating
27 abuse.

28 5. "*Plaintiff*" includes a person filing an action on behalf
29 of an unemancipated minor.

30 6. "*Pro se*" means a proceeding on one's own behalf without
31 legal representation.

32 7. "*Support services*" include but are not limited to legal
33 services, counseling services, transportation services, child
34 care services, and advocacy services.

35 Sec. 16. NEW SECTION. **236B.3 Commencement of actions —**

1 waiver to juvenile court.

2 1. A person, including a parent or guardian on behalf of
3 an unemancipated minor, may seek relief from dating abuse by
4 filing a verified petition in the district court. Venue shall
5 lie where either party resides. The petition shall state the
6 following:

7 a. Name of the plaintiff and the name and address of the
8 plaintiff's attorney, if any. If the plaintiff is proceeding
9 pro se, the petition shall state a mailing address for the
10 plaintiff. A mailing address may be provided by the plaintiff
11 pursuant to section 236B.11.

12 b. Name and address of the parent or guardian filing the
13 petition, if the petition is being filed on behalf of an
14 unemancipated minor. A mailing address may be provided by the
15 plaintiff pursuant to section 236B.11.

16 c. Name and address, if known, of the defendant.

17 d. Nature of the alleged dating abuse.

18 e. Name and age of each child under eighteen whose welfare
19 may be affected by the controversy.

20 f. Desired relief, including a request for temporary or
21 emergency orders.

22 2. A temporary or emergency order shall be based on a
23 showing of a prima facie case of dating abuse. If the factual
24 basis for the alleged dating abuse is contested, the court
25 shall issue a protective order based upon a finding of dating
26 abuse by a preponderance of the evidence.

27 3. a. The filing fee and court costs for an order for
28 protection and in a contempt action under this chapter shall be
29 waived for the plaintiff.

30 b. The clerk of court, the sheriff of any county in this
31 state, and other law enforcement and corrections officers shall
32 perform their duties relating to service of process without
33 charge to the plaintiff. When an order for protection is
34 entered by the court, the court may direct the defendant to pay
35 to the clerk of court the fees for the filing of the petition

1 and reasonable costs of service of process if the court
 2 determines the defendant has the ability to pay the plaintiff's
 3 fees and costs. In lieu of personal service of an order for
 4 protection issued pursuant to this section, the sheriff of any
 5 county in this state and other law enforcement and corrections
 6 officers may serve a defendant with a short-form notification
 7 pursuant to section 664A.4A.

8 4. If the person against whom relief from dating abuse is
 9 being sought is seventeen years of age or younger, the district
 10 court shall waive its jurisdiction over the action to the
 11 juvenile court.

12 Sec. 17. NEW SECTION. **236B.4 Plaintiffs proceeding pro se**
 13 **— provision of forms and assistance.**

14 1. The department shall prescribe standard forms to be
 15 used by plaintiffs seeking protective orders by proceeding pro
 16 se in actions under this chapter. The standard forms shall
 17 include language in fourteen point boldface type. Standard
 18 forms prescribed by the department shall be the exclusive forms
 19 used by plaintiffs proceeding pro se, and may be used by other
 20 plaintiffs. The department shall distribute the forms to the
 21 clerks of the district court.

22 2. The clerk of the district court shall furnish the
 23 required forms to persons seeking protective orders through pro
 24 se proceedings pursuant to this chapter.

25 Sec. 18. NEW SECTION. **236B.5 Assistance by county attorney.**

26 A county attorney's office may provide assistance to a
 27 person wishing to initiate proceedings pursuant to this chapter
 28 or to a plaintiff at any stage of a proceeding under this
 29 chapter, if the person does not have sufficient funds to pay
 30 for legal assistance and if the assistance does not create
 31 a conflict of interest for the county attorney's office.
 32 The assistance provided may include but is not limited to
 33 assistance in obtaining or completing forms, filing a petition
 34 or other necessary pleading, presenting evidence to the court,
 35 and enforcing the orders of the court entered pursuant to this

1 chapter. Providing assistance pursuant to this section shall
2 not be considered the private practice of law for the purposes
3 of section 331.752.

4 Sec. 19. NEW SECTION. **236B.6 Hearings — temporary orders.**

5 1. Not less than five and not more than fifteen days after
6 commencing a proceeding and upon notice to the defendant, a
7 hearing shall be held at which the plaintiff must prove the
8 allegation of dating abuse by a preponderance of the evidence.

9 2. The court may enter any temporary order it deems
10 necessary to protect the plaintiff from dating abuse prior to
11 the hearing upon good cause shown in an ex parte proceeding.
12 Present danger of dating abuse to the plaintiff constitutes
13 good cause for purposes of this subsection.

14 3. If a hearing is continued, the court may make or extend
15 any temporary order under subsection 2 that it deems necessary.

16 4. Upon application of a party, the court shall issue
17 subpoenas requiring attendance and testimony of witnesses and
18 production of papers.

19 5. The court shall advise the defendant of a right to be
20 represented by counsel of the defendant's choosing and to have
21 a continuance to secure counsel.

22 6. Hearings shall be recorded.

23 Sec. 20. NEW SECTION. **236B.7 Disposition.**

24 1. Upon a finding that the defendant has engaged in dating
25 abuse, the court may grant a protective order or approve a
26 consent agreement which may contain but is not limited to any
27 of the following provisions:

28 a. That the defendant cease dating abuse of the plaintiff.

29 b. That the defendant stay away from the plaintiff's
30 residence, school, or place of employment.

31 2. An order for a protective order or approved consent
32 agreement shall be for a fixed period of time not to exceed one
33 year. The court may amend or extend its order or a consent
34 agreement at any time upon a petition filed by either party
35 and after notice and hearing. The court may extend the order

1 if the court, after hearing at which the defendant has the
2 opportunity to be heard, finds that the defendant continues to
3 pose a threat to the safety of the victim, persons residing
4 with the victim, or members of the victim's immediate family.
5 The number of extensions that can be granted by the court is
6 not limited.

7 3. The order shall state whether a person is to be taken
8 into custody by a peace officer for a violation of the terms
9 stated in the order.

10 4. The court may order that the defendant pay the
11 plaintiff's attorney fees and court costs.

12 5. An order or consent agreement under this section shall
13 not affect title to real property.

14 6. A copy of any order or approved consent agreement shall
15 be issued to the plaintiff, the defendant, the county sheriff
16 of the county in which the order or consent decree is initially
17 entered, and the twenty-four-hour dispatcher for the county
18 sheriff. A copy of any subsequent amendment or revocation of
19 an order or consent agreement shall be forwarded by the clerk
20 to all individuals and the county sheriff previously receiving
21 a copy of the order or consent agreement.

22 7. The clerk shall notify the county sheriff and the
23 twenty-four-hour dispatcher for the county sheriff in writing
24 so that the county sheriff and the county sheriff's dispatcher
25 receive written notice within six hours of filing the order,
26 approved consent agreement, amendment, or revocation. The
27 clerk may fulfill this requirement by sending the notice by
28 facsimile or other electronic transmission which reproduces the
29 notice in writing within six hours of filing the order.

30 8. The county sheriff's dispatcher shall notify all law
31 enforcement agencies having jurisdiction over the matter
32 and the twenty-four-hour dispatcher for the law enforcement
33 agencies upon notification by the clerk.

34 Sec. 21. NEW SECTION. 236B.8 **Emergency orders.**

35 1. When the court is unavailable from the close of business

1 at the end of the day or week to the resumption of business at
 2 the beginning of the next day or week, a petition may be filed
 3 before a district judge, or district associate judge designated
 4 by the chief judge of the judicial district, who may grant
 5 emergency relief in accordance with section 236B.7, subsection
 6 1, paragraph "b", if the district judge or district associate
 7 judge deems it necessary to protect the plaintiff from dating
 8 abuse, upon good cause shown in an ex parte proceeding.
 9 Present danger of dating abuse to the plaintiff constitutes
 10 good cause for purposes of this subsection.

11 2. An emergency order issued under subsection 1 shall expire
 12 seventy-two hours after issuance. When the order expires, the
 13 plaintiff may seek a temporary order from the court pursuant
 14 to section 236B.6.

15 3. A petition filed and emergency order issued under this
 16 section and any documentation in support of the petition
 17 and order shall be immediately certified to the court. The
 18 certification shall commence a proceeding for purposes of
 19 section 236B.3.

20 Sec. 22. NEW SECTION. 236B.9 Procedure.

21 A proceeding under this chapter shall be held in accordance
 22 with the rules of civil procedure, except as otherwise set
 23 forth in this chapter and in chapter 664A, and is in addition
 24 to any other civil or criminal remedy.

25 Sec. 23. NEW SECTION. 236B.10 Dating abuse information.

26 1. Criminal or juvenile justice agencies, as defined
 27 in section 692.1, shall collect and maintain information
 28 on incidents involving dating abuse and shall provide the
 29 information to the department of public safety in the manner
 30 prescribed by the department of public safety.

31 2. The department of public safety may compile statistics
 32 and issue reports on dating abuse in Iowa, provided individual
 33 identifying details of the dating abuse are deleted. The
 34 statistics and reports may include nonidentifying information
 35 on the personal characteristics of perpetrators and victims.

1 The department of public safety may request the cooperation
2 of the department of justice in compiling the statistics and
3 issuing the reports. The department of public safety may
4 provide nonidentifying information on individual incidents
5 of dating abuse to persons conducting bona fide research,
6 including but not limited to personnel of the department of
7 justice.

8 Sec. 24. NEW SECTION. 236B.11 Plaintiff's address —
9 confidentiality of records.

10 1. A person seeking relief from dating abuse under this
11 chapter may use any of the following addresses as a mailing
12 address for purposes of filing a petition under this chapter,
13 as well as for the purpose of obtaining any utility or other
14 service:

15 a. The mailing address of a shelter or other agency.

16 b. A public or private post office box.

17 c. Any other mailing address, with the permission of the
18 resident of that address.

19 2. A person shall report any change of address, whether
20 designated according to subsection 1 or otherwise, to the clerk
21 of court no more than five days after the previous address on
22 record becomes invalid.

23 3. The entire file or a portion of the file in a dating
24 abuse case shall be sealed by the clerk of court as ordered
25 by the court to protect the privacy interest or safety of any
26 person.

27 4. Notwithstanding subsection 3, court orders and support
28 payment records shall remain public records, although the court
29 may order that address and location information be redacted
30 from the public records.

31 Sec. 25. NEW SECTION. 236B.12 Duties of peace officer —
32 magistrate.

33 1. A peace officer shall use every reasonable means to
34 enforce an order or court-approved consent agreement entered
35 under this chapter, an order that establishes conditions of

1 release or is a protective order or sentencing order in a
2 criminal prosecution arising from dating abuse, or a protective
3 order under chapter 232. If a peace officer has reason to
4 believe that dating abuse has occurred, the peace officer shall
5 ask the abused person if any prior orders exist, and shall
6 contact the twenty-four-hour dispatcher to inquire if any
7 prior orders exist. If a peace officer has probable cause to
8 believe that a person has violated an order or approved consent
9 agreement entered under this chapter, an order establishing
10 conditions of release or a protective or sentencing order
11 in a criminal prosecution arising from dating abuse, or, if
12 the person is an adult, a violation of a protective order
13 under chapter 232, the peace officer shall take the person
14 into custody and shall take the person without unnecessary
15 delay before the nearest or most accessible magistrate in the
16 judicial district in which the person was taken into custody.
17 The magistrate shall make an initial preliminary determination
18 whether there is probable cause to believe that an order or
19 consent agreement existed and that the person taken into
20 custody has violated its terms. The magistrate's decision
21 shall be entered in the record.

22 2. If a peace officer has probable cause to believe that
23 a person has violated an order or approved consent agreement
24 entered under this chapter, an order establishing conditions
25 of release or a protective or sentencing order in a criminal
26 prosecution arising from dating abuse, or a protective order
27 under chapter 232, and the peace officer is unable to take the
28 person into custody within twenty-four hours of making the
29 probable cause determination, the peace officer shall either
30 request a magistrate to make a determination as to whether a
31 rule to show cause or arrest warrant should be issued, or refer
32 the matter to the county attorney.

33 3. If the magistrate finds probable cause, the magistrate
34 shall order the person to appear either before the court which
35 issued the original order or approved the consent agreement,

1 or before the court in the jurisdiction where the alleged
2 violation took place, at a specified time not less than
3 five days and not more than fifteen days after the initial
4 appearance under this section. The magistrate shall cause
5 the original court to be notified of the contents of the
6 magistrate's order.

7 4. A peace officer shall not be held civilly or criminally
8 liable for acting pursuant to this section provided that the
9 peace officer acts reasonably and in good faith, on probable
10 cause, and the officer's acts do not constitute a willful and
11 wanton disregard for the rights or safety of another.

12 Sec. 26. NEW SECTION. 236B.13 **Prevention of further abuse**
13 **— notification of rights — arrest — liability.**

14 1. If a peace officer has reason to believe that dating
15 abuse has occurred, the officer shall use all reasonable means
16 to prevent further abuse including but not limited to the
17 following:

18 a. If requested, remaining on the scene as long as there
19 is a danger to an abused person's physical safety without the
20 presence of a peace officer, including but not limited to
21 staying in the residence, or if unable to remain on the scene,
22 assisting the person in leaving the residence.

23 b. Assisting an abused person in obtaining medical treatment
24 necessitated by an assault, including providing assistance to
25 the abused person in obtaining transportation to the emergency
26 room of the nearest hospital.

27 c. Providing an abused person with immediate and adequate
28 notice of the person's rights. The notice shall consist of
29 handing the person a document that includes the telephone
30 numbers of shelters, support groups, and crisis lines operating
31 in the area and contains a copy of the following statement
32 written in English and Spanish; asking the person to read the
33 card; and asking whether the person understands the rights:

34 You have the right to ask the court for the following help on
35 a temporary basis:

1 [1] Keeping your attacker away from you, your home, and your
2 place of work.

3 [2] The right to stay at your home without interference from
4 your attacker.

5 You have the right to seek help from the court to seek
6 a protective order with or without the assistance of legal
7 representation. You have the right to seek help from the
8 courts without the payment of court costs if you do not have
9 sufficient funds to pay the costs.

10 You have the right to file criminal complaints for threats,
11 assaults, or other related crimes.

12 You have the right to seek restitution against your attacker
13 for harm to yourself or your property.

14 If you are in need of medical treatment, you have the right
15 to request that the officer present assist you in obtaining
16 transportation to the nearest hospital or otherwise assist you.

17 If you believe that police protection is needed for your
18 physical safety, you have the right to request that the officer
19 present remain at the scene until you and other affected
20 parties can leave or until safety is otherwise ensured.

21 2. A peace officer is not civilly or criminally liable for
22 actions pursuant to this section taken reasonably and in good
23 faith.

24 Sec. 27. NEW SECTION. 236B.14 Prohibition against referral.

25 In a criminal action arising from dating abuse, the
26 prosecuting attorney or court shall not refer or order the
27 parties involved to mediation or other nonjudicial procedures
28 prior to judicial resolution of the action.

29 Sec. 28. NEW SECTION. 236B.15 Application for designation
30 and funding as a provider of services for victims of dating
31 abuse.

32 Upon receipt of state or federal funding designated for
33 victims of dating abuse by the department, a public or private
34 nonprofit organization may apply to the department for
35 designation and funding as a provider of emergency shelter

1 services and support services to victims of dating abuse. The
2 application shall be submitted on a form prescribed by the
3 department and shall include but not be limited to information
4 regarding services to be provided, budget, and security
5 measures.

6 Sec. 29. NEW SECTION. 236B.16 Department powers and duties.

7 1. The department shall do all of the following:

8 a. Designate and award grants for existing and pilot
9 programs pursuant to this chapter to provide emergency shelter
10 services and support services to victims of dating abuse.

11 b. Design and implement a uniform method of collecting data
12 from dating abuse organizations funded under this chapter.

13 c. Designate and award moneys for publicizing and staffing
14 a statewide, toll-free telephone hotline for use by victims of
15 dating abuse. The department may award a grant to a public
16 agency or a public or private nonprofit organization for the
17 purpose of operating the hotline. The operation of the hotline
18 shall include informing victims of their rights and of various
19 community services that are available, referring victims to
20 service providers, receiving complaints concerning misconduct
21 by peace officers and encouraging victims to refer such
22 complaints to the office of ombudsman, providing counseling
23 services to victims over the telephone, and providing dating
24 abuse victim advocacy.

25 d. Advertise the toll-free telephone hotline through the
26 use of public service announcements, billboards, print and
27 broadcast media services, and other appropriate means, and
28 contact media organizations to encourage the provision of free
29 or inexpensive advertising concerning the hotline and its
30 services.

31 e. Develop, with the assistance of the entity operating
32 the telephone hotline and other dating abuse victim services
33 providers, brochures explaining the rights of victims set
34 forth under section 236B.13 and the services of the telephone
35 hotline, and distribute the brochures to law enforcement

1 agencies, victim service providers, health practitioners,
2 charitable and religious organizations, and other entities that
3 may have contact with victims of dating abuse.

4 2. The department shall consult and cooperate with
5 all public and private agencies that may provide services
6 to victims of dating abuse, including but not limited to
7 legal services, social services, prospective employment
8 opportunities, and unemployment benefits.

9 3. The department may accept, use, and dispose of
10 contributions of money, services, and property made available
11 by an agency or department of the state or federal government,
12 or a private agency or individual.

13 Sec. 30. NEW SECTION. 236B.17 Dating abuse training
14 requirements.

15 The department, in cooperation with victim service
16 providers, shall work with various professional organizations
17 to encourage organizations to establish training programs for
18 professionals who work in the area of dating abuse prevention
19 and services. Dating abuse training may include but is not
20 limited to the following areas:

21 1. The enforcement of both civil and criminal remedies in
22 dating abuse matters.

23 2. The nature, extent, and causes of dating abuse.

24 3. The legal rights and remedies available to dating abuse
25 victims, including crime victim compensation.

26 4. Services available to dating abuse victims including the
27 dating abuse telephone hotline.

28 5. The duties of peace officers under this chapter.

29 6. Techniques for intervention in dating abuse cases.

30 Sec. 31. NEW SECTION. 236B.18 Reference to certain criminal
31 provisions.

32 In addition to the provisions contained in this chapter,
33 certain criminal penalties and provisions pertaining to dating
34 abuse are set forth in chapters 664A and 709 and sections 726.2
35 and 728.12.

1 Sec. 32. NEW SECTION. 236B.19 Foreign protective orders
2 — registration — enforcement.

3 1. As used in this section, "*foreign protective order*" means
4 a protective order entered by a court of another state, Indian
5 tribe, or United States territory that would be an order or
6 court-approved consent agreement entered under this chapter, an
7 order that establishes conditions of release, or a protective
8 order or sentencing order in a criminal prosecution arising
9 from dating abuse if it had been entered in Iowa.

10 2. A certified or authenticated copy of a permanent foreign
11 protective order may be filed with the clerk of the district
12 court in any county that would have venue if the original
13 action was being commenced in this state or in which the person
14 in whose favor the order was entered may be present.

15 a. The clerk shall file foreign protective orders that are
16 not certified or authenticated, if supported by an affidavit of
17 a person with personal knowledge, subject to the penalties for
18 perjury. The person protected by the order may provide this
19 affidavit.

20 b. The clerk shall provide copies of the order as required
21 by section 236B.7, except that notice shall not be provided to
22 the respondent without the express written direction of the
23 person in whose favor the order was entered.

24 3. a. A valid foreign protective order has the same effect
25 and shall be enforced in the same manner as a protective order
26 issued in this state whether or not filed with the clerk of the
27 district court or otherwise placed in a registry of protective
28 orders.

29 b. A foreign protective order is valid if it meets all of
30 the following:

31 (1) The order states the name of the protected individual
32 and the individual against whom enforcement is sought.

33 (2) The order has not expired.

34 (3) The order was issued by a court or tribunal that had
35 jurisdiction over the parties and subject matter under the law

1 of the foreign jurisdiction.

2 (4) The order was issued in accordance with the respondent's
3 due process rights, either after the respondent was provided
4 with reasonable notice and an opportunity to be heard before
5 the court or tribunal that issued the order, or in the case
6 of an ex parte order, the respondent was granted notice and
7 opportunity to be heard within a reasonable time after the
8 order was issued.

9 c. Proof that a foreign protective order failed to meet all
10 of the factors listed in paragraph "b" shall be an affirmative
11 defense in any action seeking enforcement of the order.

12 4. A peace officer shall treat a foreign protective order as
13 a valid legal document and shall make an arrest for a violation
14 of the foreign protective order in the same manner that a peace
15 officer would make an arrest for a violation of a protective
16 order issued within this state.

17 a. The fact that a foreign protective order has not been
18 filed with the clerk of the district court or otherwise placed
19 in a registry shall not be grounds to refuse to enforce the
20 terms of the order unless it is apparent to the officer that
21 the order is invalid on its face.

22 b. A peace officer acting reasonably and in good faith in
23 connection with the enforcement of a foreign protective order
24 shall be immune from civil and criminal liability in any action
25 arising in connection with such enforcement.

26 5. Filing and service costs in connection with foreign
27 protective orders are waived as provided in section 236A.3.

28 Sec. 33. NEW SECTION. 236B.20 Mutual protective orders
29 prohibited — exceptions.

30 A court in an action under this chapter shall not issue
31 mutual protective orders against the victim and the abuser
32 unless both file a petition requesting a protective order.

33 Sec. 34. Section 331.424, subsection 1, paragraph a,
34 subparagraph (6), Code 2019, is amended to read as follows:

35 (6) The maintenance and operation of the courts, including

1 but not limited to the salary and expenses of the clerk of
2 the district court and other employees of the clerk's office,
3 and bailiffs, court costs if the prosecution fails or if
4 the costs cannot be collected from the person liable, costs
5 and expenses of prosecution under [section 189A.17](#), salaries
6 and expenses of juvenile court officers under [chapter 602](#),
7 court-ordered costs in domestic abuse cases under section
8 236.5, sexual abuse cases under [section 236A.7](#), dating abuse
9 cases under section 236B.7, and elder abuse cases under section
10 235F.6, the county's expense for confinement of prisoners under
11 chapter 356A, temporary assistance to the county attorney,
12 county contributions to a retirement system for bailiffs,
13 reimbursement for judicial magistrates under [section 602.6501](#),
14 claims filed under [section 622.93](#), interpreters' fees under
15 section 622B.7, uniform citation and complaint supplies under
16 section 805.6, and costs of prosecution under [section 815.13](#).

17 Sec. 35. Section 356.7, subsection 1, Code 2019, is amended
18 to read as follows:

19 1. The county sheriff, or a municipality operating a
20 temporary municipal holding facility or jail, may charge a
21 prisoner who is eighteen years of age or older and who has
22 been convicted of a criminal offense or sentenced for contempt
23 of court for violation of a domestic abuse order or a dating
24 abuse order for the actual administrative costs relating to
25 the arrest and booking of that prisoner, for room and board
26 provided to the prisoner while in the custody of the county
27 sheriff or municipality, and for any medical aid provided to
28 the prisoner under [section 356.5](#). Moneys collected by the
29 sheriff or municipality under [this section](#) shall be credited
30 respectively to the county general fund or the city general
31 fund and distributed as provided in [this section](#). If a
32 prisoner who has been convicted of a criminal offense or
33 sentenced for contempt of court for violation of a domestic
34 abuse order or a dating abuse order fails to pay for the
35 administrative costs, the room and board, or medical aid, the

1 sheriff or municipality may file a reimbursement claim with
 2 the district court as provided in [subsection 2](#). The county
 3 attorney may file the reimbursement claim on behalf of the
 4 sheriff and the county or the municipality. The attorney for
 5 the municipality may also file a reimbursement claim on behalf
 6 of the municipality. [This section](#) does not apply to prisoners
 7 who are paying for their room and board by court order pursuant
 8 to [sections 356.26 through 356.35](#).

9 Sec. 36. Section 356.50, subsection 1, paragraph c, Code
 10 2019, is amended to read as follows:

11 c. Domestic abuse assault or dating abuse assault in which
 12 bodily injury was inflicted or attempted to be inflicted.

13 Sec. 37. Section 507B.4, subsection 3, paragraph g,
 14 subparagraph (3), Code 2019, is amended to read as follows:

15 (3) Making or permitting any discrimination in the sale of
 16 insurance solely on the basis of domestic abuse as defined in
 17 [section 236.2](#), ~~or~~ sexual abuse as defined in [section 236A.2](#), or
 18 dating abuse as defined in section 236B.2.

19 Sec. 38. Section 598.16, subsection 7, unnumbered paragraph
 20 1, Code 2019, is amended to read as follows:

21 Upon application, the court shall grant a waiver from the
 22 requirements of [this section](#) if a party demonstrates that
 23 a history of elder abuse, as defined in [section 235F.1](#), ~~or~~
 24 domestic abuse, as defined in [section 236.2](#), or dating abuse,
 25 as defined in section 236B.2, exists.

26 Sec. 39. Section 598.16, subsection 7, paragraph b, Code
 27 2019, is amended to read as follows:

28 b. In determining whether a history of domestic abuse or
 29 dating abuse exists, the court's consideration shall include
 30 but is not limited to commencement of an action pursuant to
 31 [section 236.3](#) or 236B.3, the issuance of a protective order
 32 against a party or the issuance of a court order or consent
 33 agreement pursuant to [section 236.5](#) or 236B.7, the issuance of
 34 an emergency order pursuant to [section 236.6](#) or 236B.8, the
 35 holding of a party in contempt pursuant to [section 664A.7](#), the

1 response of a peace officer to the scene of alleged domestic
2 abuse or the arrest of a party following response to a report
3 of alleged domestic abuse, or a conviction for domestic abuse
4 assault pursuant to [section 708.2A](#), or a conviction for dating
5 abuse assault pursuant to [section 708.2D](#).

6 Sec. 40. Section 598.41, subsection 3, paragraph j, Code
7 2019, is amended to read as follows:

8 *j.* Whether a history of domestic abuse, as defined in
9 [section 236.2](#), or a history of dating abuse, as defined in
10 [section 236B.2](#), exists. In determining whether a history
11 of domestic abuse or dating abuse exists, the court's
12 consideration shall include but is not limited to commencement
13 of an action pursuant to [section 236.3](#) or [236B.3](#), the issuance
14 of a protective order against the parent or the issuance of a
15 court order or consent agreement pursuant to [section 236.5](#) or
16 [236B.7](#), the issuance of an emergency order pursuant to [section](#)
17 [236.6](#) or [236B.8](#), the holding of a parent in contempt pursuant
18 to [section 664A.7](#), the response of a peace officer to the scene
19 of alleged domestic abuse or dating abuse or the arrest of a
20 parent following response to a report of alleged domestic abuse
21 or dating abuse, or a conviction for domestic abuse assault
22 pursuant to [section 708.2A](#) or a conviction for dating abuse
23 assault pursuant to [section 708.2D](#).

24 Sec. 41. Section 598C.305, subsection 4, paragraph b, Code
25 2019, is amended to read as follows:

26 *b.* That the specified adult family member or adult with
27 whom the child has a close and substantial relationship does
28 not have a history of domestic abuse, as defined in [section](#)
29 [236.2](#), or a history of dating abuse, as defined in [section](#)
30 [236B.2](#). In determining whether a history of domestic abuse or
31 dating abuse exists, the court's consideration shall include
32 but is not limited to commencement of an action pursuant to
33 [section 236.3](#) or [236B.3](#), the issuance of a protective order
34 against the individual or the issuance of a court order or
35 consent agreement pursuant to [section 236.5](#) or [236B.7](#), the

1 issuance of an emergency order pursuant to [section 236.6](#) or
 2 [236B.8](#), the holding of an individual in contempt pursuant to
 3 [section 664A.7](#), the response of a peace officer to the scene
 4 of alleged domestic abuse or dating abuse or the arrest of an
 5 individual following response to a report of alleged domestic
 6 abuse or dating abuse, or a conviction for domestic abuse
 7 assault pursuant to [section 708.2A](#) or a conviction for dating
 8 abuse assault pursuant to section 708.2D.

9 Sec. 42. Section 600A.8, subsection 8, paragraph a, Code
 10 2019, is amended to read as follows:

11 a. The parent has been determined to be a person with a
 12 substance-related disorder as defined in [section 125.2](#) and the
 13 parent has committed a second or subsequent domestic abuse
 14 assault pursuant to [section 708.2A](#) or a second or subsequent
 15 dating abuse assault pursuant to section 708.2D.

16 Sec. 43. Section 664A.1, subsection 2, Code 2019, is amended
 17 to read as follows:

18 2. "*Protective order*" means a protective order issued
 19 pursuant to [chapter 232](#), a court order or court-approved
 20 consent agreement entered pursuant to [this chapter](#) or chapter
 21 235F, a court order or court-approved consent agreement entered
 22 pursuant to [chapter 236](#), ~~or 236A~~, or [236B](#), including a valid
 23 foreign protective order under [section 236.19, subsection 3](#), ~~or~~
 24 [section 236A.19, subsection 3](#), or section 236B.19, subsection
 25 3, a temporary or permanent protective order or order to vacate
 26 the homestead under [chapter 598](#), or an order that establishes
 27 conditions of release or is a protective order or sentencing
 28 order in a criminal prosecution arising from a domestic abuse
 29 assault under [section 708.2A](#), a dating abuse assault under
 30 section 708.2D, or a civil injunction issued pursuant to
 31 [section 915.22](#).

32 Sec. 44. Section 664A.2, Code 2019, is amended to read as
 33 follows:

34 **664A.2 Applicability.**

35 1. [This chapter](#) applies to no-contact orders issued for

1 violations or alleged violations of [sections 708.2A, 708.2D,](#)
 2 [708.7, 708.11, 709.2, 709.3, and 709.4,](#) and any other public
 3 offense for which there is a victim.

4 2. A protective order issued in a civil proceeding shall be
 5 issued pursuant to [chapter 232, 235F, 236, 236A, 236B, 598,](#) or
 6 915. Punishment for a violation of a protective order shall be
 7 imposed pursuant to [section 664A.7.](#)

8 Sec. 45. Section 664A.3, subsection 1, unnumbered paragraph
 9 1, Code 2019, is amended to read as follows:

10 When a person is taken into custody for contempt proceedings
 11 pursuant to [section 236.11,](#) taken into custody pursuant to
 12 [section 236A.12 or section 236B.12,](#) or arrested for any public
 13 offense referred to in [section 664A.2, subsection 1,](#) and the
 14 person is brought before a magistrate for initial appearance,
 15 the magistrate shall enter a no-contact order if the magistrate
 16 finds both of the following:

17 Sec. 46. Section 664A.3, subsection 2, Code 2019, is amended
 18 to read as follows:

19 2. Notwithstanding [chapters 804 and 805,](#) a person taken
 20 into custody pursuant to [section 236.11, or 236A.12, 236B.12](#)
 21 or arrested pursuant to [section 236.12](#) may be released on bail
 22 or otherwise only after initial appearance before a magistrate
 23 as provided in [chapter 804](#) and the rules of criminal procedure
 24 or [section 236.11, or 236A.12, or 236B.12,](#) whichever is
 25 applicable.

26 Sec. 47. Section 664A.4, subsection 2, Code 2019, is amended
 27 to read as follows:

28 2. The clerk of the district court shall provide a notice
 29 and copy of the no-contact order to the appropriate law
 30 enforcement agencies and the twenty-four-hour dispatcher for
 31 the law enforcement agencies in the same manner as provided in
 32 [section 235F.6, 236.5, or 236A.7, or 236B.7,](#) as applicable.
 33 The clerk of the district court shall provide a notice and copy
 34 of a modification or vacation of a no-contact order in the same
 35 manner.

1 Sec. 48. Section 664A.5, Code 2019, is amended to read as
2 follows:

3 **664A.5 Modification — entry of permanent no-contact order.**

4 If a defendant is convicted of, receives a deferred judgment
5 for, or pleads guilty to a public offense referred to in
6 section 664A.2, subsection 1, or is held in contempt for a
7 violation of a no-contact order issued under [section 664A.3](#)
8 or for a violation of a protective order issued pursuant to
9 chapter 232, [235F](#), [236](#), [236A](#), [236B](#), [598](#), or [915](#), the court
10 shall either terminate or modify the temporary no-contact order
11 issued by the magistrate. The court may enter a no-contact
12 order or continue the no-contact order already in effect for
13 a period of five years from the date the judgment is entered
14 or the deferred judgment is granted, regardless of whether the
15 defendant is placed on probation.

16 Sec. 49. Section 664A.6, subsection 2, Code 2019, is amended
17 to read as follows:

18 2. If the peace officer is investigating a domestic abuse
19 assault pursuant to [section 708.2A](#) or a dating abuse assault
20 pursuant to [section 708.2D](#), the officer shall also comply with
21 [sections 236.11 and 236.12](#) or [236B.12 and 236B.13](#).

22 Sec. 50. Section 664A.7, subsections 1, 3, and 5, Code 2019,
23 are amended to read as follows:

24 1. Violation of a no-contact order issued under [this chapter](#)
25 or a protective order issued pursuant to [chapter 232](#), [235F](#),
26 [236](#), [236A](#), [236B](#), or [598](#), including a modified no-contact order,
27 is punishable by summary contempt proceedings.

28 3. If convicted of or held in contempt for a violation of a
29 no-contact order or a modified no-contact order for a public
30 offense referred to in [section 664A.2, subsection 1](#), or held
31 in contempt of a no-contact order issued during a contempt
32 proceeding brought pursuant to [section 236.11](#), ~~or~~ [236A.12](#), or
33 [236B.12](#), the person shall be confined in the county jail for
34 a minimum of seven days. A jail sentence imposed pursuant
35 to [this subsection](#) shall be served on consecutive days. No

1 portion of the mandatory minimum term of confinement imposed
 2 by **this subsection** shall be deferred or suspended. A deferred
 3 judgment, deferred sentence, or suspended sentence shall not
 4 be entered for a violation of a no-contact order, modified
 5 no-contact order, or protective order and the court shall not
 6 impose a fine in lieu of the minimum sentence, although a fine
 7 may be imposed in addition to the minimum sentence.

8 5. Violation of a no-contact order entered for the offense
 9 or alleged offense of domestic abuse assault in violation of
 10 section 708.2A or a violation of a protective order issued
 11 pursuant to **chapter 232, 235F, 236, 236A, 236B, 598, or 915**
 12 constitutes a public offense and is punishable as a simple
 13 misdemeanor. Alternatively, the court may hold a person
 14 in contempt of court for such a violation, as provided in
 15 subsection 3.

16 Sec. 51. Section 708.2B, subsection 2, Code 2019, is amended
 17 to read as follows:

18 2. A person convicted of, or receiving a deferred judgment
 19 for, domestic abuse assault as defined in **section 708.2A or**
 20 **dating abuse assault as defined in section 708.2D,** shall
 21 report to the district department in order to participate in a
 22 batterers' treatment program for domestic abuse **or dating abuse**
 23 offenders. In addition, a person convicted of, or receiving
 24 a deferred judgment for, an assault, as defined in section
 25 708.1, which is domestic abuse, as defined in section 236.2,
 26 subsection 2, paragraph "e", **or dating abuse, as defined in**
 27 **section 236B.2,** may be ordered by the court to participate in a
 28 batterers' treatment program. Participation in the batterers'
 29 treatment program shall not require a person to be placed on
 30 probation, but a person on probation may participate in the
 31 program.

32 Sec. 52. **NEW SECTION.** 708.2D Dating abuse assault —
 33 **mandatory minimums, penalties enhanced — extension of no-contact**
 34 **order.**

35 1. For the purposes of this chapter, "*dating abuse assault*"

1 means an assault, as defined in section 708.1, which is dating
2 abuse, as defined in section 236B.2.

3 2. On a first offense of dating abuse assault, the person
4 commits:

5 a. A simple misdemeanor for a dating abuse assault, except
6 as otherwise provided.

7 b. A serious misdemeanor, if the dating abuse assault causes
8 bodily injury or mental illness.

9 c. An aggravated misdemeanor, if the dating abuse assault
10 is committed with the intent to inflict a serious injury upon
11 another, or if the person uses or displays a dangerous weapon
12 in connection with the assault. This paragraph does not apply
13 if section 708.6 or 708.8 applies.

14 d. An aggravated misdemeanor, if the dating abuse assault
15 is committed by knowingly impeding the normal breathing or
16 circulation of the blood of another by applying pressure to the
17 throat or neck of the other person or by obstructing the nose
18 or mouth of the other person.

19 3. Except as otherwise provided in subsection 2, on a second
20 dating abuse assault, a person commits:

21 a. A serious misdemeanor, if the first offense was
22 classified as a simple misdemeanor, and the second offense
23 would otherwise be classified as a simple misdemeanor.

24 b. An aggravated misdemeanor, if the first offense was
25 classified as a simple or aggravated misdemeanor, and the
26 second offense would otherwise be classified as a serious
27 misdemeanor, or the first offense was classified as a serious
28 or aggravated misdemeanor, and the second offense would
29 otherwise be classified as a simple or serious misdemeanor.

30 4. On a third or subsequent offense of dating abuse assault,
31 a person commits a class "D" felony.

32 5. For a dating abuse assault committed by knowingly
33 impeding the normal breathing or circulation of the blood of
34 another by applying pressure to the throat or neck of the other
35 person or by obstructing the nose or mouth of the other person,

1 and causing bodily injury, the person commits a class "D"
2 felony.

3 6. *a.* A conviction for, deferred judgment for, or plea of
4 guilty to, a violation of this section which occurred more than
5 twelve years prior to the date of the violation charged shall
6 not be considered in determining that the violation charged is
7 a second or subsequent offense.

8 *b.* For the purpose of determining if a violation charged
9 is a second or subsequent offense, deferred judgments issued
10 pursuant to section 907.3 for violations of section 708.2 or
11 this section, which were issued on dating abuse assaults,
12 and convictions or the equivalent of deferred judgments for
13 violations in any other states under statutes substantially
14 corresponding to this section shall be counted as previous
15 offenses. The courts shall judicially notice the statutes of
16 other states which define offenses substantially equivalent
17 to the offenses defined in this section and can therefore be
18 considered corresponding statutes. Each previous violation on
19 which conviction or deferral of judgment was entered prior to
20 the date of the offense charged shall be considered and counted
21 as a separate previous offense.

22 *c.* An offense shall be considered a prior offense regardless
23 of whether it was committed upon the same victim.

24 7. *a.* A person convicted of violating subsection 2 or 3
25 shall serve a minimum term of two days of the sentence imposed
26 by law, and shall not be eligible for suspension of the minimum
27 sentence. The minimum term shall be served on consecutive
28 days. The court shall not impose a fine in lieu of the minimum
29 sentence, although a fine may be imposed in addition to the
30 minimum sentence. This section does not prohibit the court
31 from sentencing and the person from serving the maximum term of
32 confinement or from paying the maximum fine permitted pursuant
33 to chapter 902 or 903, and does not prohibit the court from
34 entering a deferred judgment or sentence pursuant to section
35 907.3, if the person has not previously received a deferred

1 sentence or judgment for a violation of section 708.2 or this
2 section which was issued on a dating abuse assault.

3 *b.* A person convicted of violating subsection 4 shall
4 be sentenced as provided under section 902.9, subsection 1,
5 paragraph "e", and shall be denied parole or work release until
6 the person has served a minimum of one year of the person's
7 sentence. Notwithstanding section 901.5, subsections 1, 3, and
8 5, and section 907.3, the person cannot receive a suspended or
9 deferred sentence or a deferred judgment; however, the person
10 sentenced shall receive credit for any time the person was
11 confined in a jail or detention facility following arrest.

12 8. If a person is convicted for, receives a deferred
13 judgment for, or pleads guilty to a violation of this section,
14 the court shall modify the no-contact order issued upon initial
15 appearance in the manner provided in section 664A.5, regardless
16 of whether the person is placed on probation.

17 9. The clerk of the district court shall provide notice
18 and copies of a judgment entered under this section to the
19 applicable law enforcement agencies and the twenty-four-hour
20 dispatcher for the law enforcement agencies, in the manner
21 provided for protective orders under section 236B.7. The
22 clerk shall provide notice and copies of modifications of the
23 judgment in the same manner.

24 10. In addition to the mandatory minimum term of confinement
25 imposed by subsection 7, paragraph "a", the court shall order
26 a person convicted under subsection 2 or 3 to participate
27 in a batterers' treatment program as required under section
28 708.2B. In addition, as a condition of deferring judgment or
29 sentence pursuant to section 907.3, the court shall order the
30 person to participate in a batterers' treatment program. The
31 clerk of the district court shall send a copy of the judgment
32 or deferred judgment to the judicial district department of
33 correctional services.

34 Sec. 53. Section 804.7, subsection 5, Code 2019, is amended
35 to read as follows:

1 5. If the peace officer has reasonable grounds for believing
2 that domestic abuse, as defined in [section 236.2](#), or dating
3 abuse, as defined in section 236B.2, has occurred and has
4 reasonable grounds for believing that the person to be arrested
5 has committed it.

6 Sec. 54. Section 905.6, subsection 8, Code 2019, is amended
7 to read as follows:

8 8. Administer the batterers' treatment program for domestic
9 abuse offenders and dating abuse offenders required in section
10 708.2B.

11 Sec. 55. Section 907.3, subsection 1, paragraph a,
12 subparagraph (12), Code 2019, is amended to read as follows:

13 (12) Prior to the commission of the offense the defendant
14 had been granted a deferred judgment or deferred sentence for
15 a violation of [section 708.2](#) ~~or~~, section 708.2A which was
16 issued on a domestic abuse assault, or section 708.2D which was
17 issued on a dating abuse assault, or was granted similar relief
18 anywhere in the United States concerning that jurisdiction's
19 statutes which substantially correspond to domestic abuse
20 assault as provided in [section 708.2A](#) or to dating abuse
21 assault as provided in section 708.2D, and the current offense
22 is a violation of [section 708.2A](#) or 708.2D.

23 Sec. 56. Section 907.3, subsection 2, paragraph a,
24 subparagraph (7), Code 2019, is amended to read as follows:

25 (7) [Section 708.2A](#), if the defendant has previously
26 received a deferred judgment or sentence for a violation of
27 [section 708.2](#) ~~or~~, section 708.2A which was issued on a domestic
28 abuse assault, or section 708.2D which was issued on a dating
29 abuse assault, or if similar relief was granted anywhere in the
30 United States concerning that jurisdiction's statutes which
31 substantially correspond to domestic abuse assault as provided
32 in [section 708.2A](#) or to dating abuse assault as provided in
33 section 708.2D.

34 Sec. 57. Section 907.3, subsection 3, paragraph a, Code
35 2019, is amended to read as follows:

1 a. The minimum term of two days imposed pursuant to section
2 708.2A, subsection 7, paragraph "a", or section 708.2D,
3 subsection 7, paragraph "a", or a sentence imposed under section
4 708.2A, subsection 7, paragraph "b".

5 Sec. 58. Section 915.22, subsection 5, Code 2019, is amended
6 to read as follows:

7 5. The clerk of the district court shall provide notice and
8 copies of restraining orders issued pursuant to this section
9 in a criminal case involving an alleged violation of section
10 708.2A or 708.2D to the applicable law enforcement agencies
11 and the twenty-four-hour dispatcher for the law enforcement
12 agencies, in the manner provided for protective orders under
13 section 236.5, ~~or~~ 236A.7, or 236B.7. The clerk shall provide
14 notice and copies of modifications or vacations of these orders
15 in the same manner.

16 Sec. 59. Section 915.50, Code 2019, is amended to read as
17 follows:

18 **915.50 General rights of domestic abuse, and sexual abuse and**
19 **dating abuse victims.**

20 In addition to other victim rights provided in this chapter,
21 victims of domestic abuse, ~~and sexual abuse~~ and dating abuse
22 shall have the following rights:

23 1. The right to file a pro se petition for relief from
24 domestic abuse, ~~and sexual abuse~~, and dating abuse in the
25 district court, pursuant to sections 236.3 through 236.10, ~~and~~
26 sections 236A.3 through 236A.11, and sections 236B.3 through
27 236B.11.

28 2. The right, pursuant to sections 236.12, ~~and 236A.13~~,
29 and 236B.13, for law enforcement to remain on the scene, to
30 assist the victim in leaving the scene, to assist the victim
31 in obtaining transportation to medical care, and to provide
32 the person with a written statement of victim rights and
33 information about domestic abuse, ~~and sexual abuse~~ and dating
34 abuse shelters, support services, and crisis lines.

35 3. The right to receive a no-contact order upon a finding of

1 probable cause, pursuant to [section 664A.3](#).

2 Sec. 60. Section 915.94, Code 2019, is amended to read as
3 follows:

4 **915.94 Victim compensation fund.**

5 A victim compensation fund is established as a separate fund
6 in the state treasury. Moneys deposited in the fund shall
7 be administered by the department and dedicated to and used
8 for the purposes of [section 915.41](#) and [this subchapter](#). In
9 addition, the department may use moneys from the fund for the
10 purpose of the department's prosecutor-based victim service
11 coordination, including the duties defined in [sections 910.3](#)
12 and [910.6](#) and [this chapter](#), for the award of funds to programs
13 that provide services and support to victims of domestic
14 abuse as provided in [chapter 236](#), to victims of sexual abuse
15 as provided in [chapter 236A](#), to victims of dating abuse as
16 provided in chapter 236B, to victims under [section 710A.2](#), for
17 reimbursement to the Iowa law enforcement academy for domestic
18 abuse and human trafficking training, and for the support of
19 an automated victim notification system established in section
20 915.10A. For each fiscal year, the department may also use
21 up to three hundred thousand dollars from the fund to provide
22 training for victim service providers, to provide training for
23 related professionals concerning victim service programming,
24 and to provide training concerning homicide, domestic assault,
25 sexual assault, stalking, harassment, and human trafficking as
26 required by [section 710A.6](#). Notwithstanding [section 8.33](#), any
27 balance in the fund on June 30 of any fiscal year shall not
28 revert to the general fund of the state.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to civil protective orders and dating
33 abuse, creates the criminal offense of dating abuse assault,
34 and provides penalties.

35 The bill creates new Code chapter 236B, the dating abuse

1 Act, allowing a victim of dating abuse to seek relief from
2 dating abuse by filing a petition in district court for a
3 dating abuse civil protective order (emergency, temporary,
4 and permanent) prior to the arrest of the defendant in such a
5 situation affording the victim and the victim's family members,
6 whose welfare may be affected by the dating abuse situation,
7 the same civil protections as victims of domestic abuse under
8 Code chapter 236. The bill defines dating abuse as an assault
9 between persons who are in a dating relationship or who have
10 been in a dating relationship and who have had contact within
11 the past year. The bill provides certain factors a court may
12 consider in determining whether persons are or have been in a
13 dating relationship.

14 Under the bill, upon a finding by the court, by a
15 preponderance of the evidence, that a defendant has engaged
16 in dating abuse against the plaintiff, the court may order
17 the defendant to cease the abuse, and order the defendant to
18 stay away from the plaintiff's residence, school, or place
19 of employment. In seeking a protective order, a victim has
20 the right to seek help from the court with or without the
21 assistance of an attorney and without the payment of court
22 costs.

23 The bill requires criminal or juvenile justice agencies to
24 collect and maintain information on incidents involving dating
25 abuse and to provide the information to the department of
26 public safety. The bill provides certain provisions relating
27 to the confidentiality of dating abuse victim records, the
28 duties of a peace officer in dating abuse cases, and the duties
29 of the department of justice relating to dating abuse training,
30 services, and funding.

31 The bill makes conforming changes to Code provisions,
32 including those relating to the address confidentiality
33 program, the issuance of and violations of civil protective
34 orders, the duties of the departments of justice, public
35 health, and corrections, Iowa law enforcement academy

1 curriculum requirements, peace officer rights, delinquency
2 detentions, dissolution proceedings, insurance practices,
3 termination of parental rights proceedings, court and jail
4 operating costs, peace officer arrests, and certain sentencing
5 and victim rights and services provisions.

6 The bill creates the criminal offense of dating abuse
7 assault and provides penalties, including mandatory
8 minimum fines and penalties, and fines, ranging from a
9 simple misdemeanor to a class "D" felony, depending on the
10 circumstances of the offense. The bill requires the court
11 to order a defendant convicted of dating abuse assault to
12 participate in a batterers' treatment program. A person
13 arrested for a dating abuse assault is subject to a no-contact
14 order.